

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

In Re:
LAKISHA TERISE BARNES

Case No.: 17-74089-SCS
Chapter 7
Judge: Chief Judge St. John

NOTICE

TAKE NOTICE, that a hearing will be held on September 20, 2018 @ 10:00 a.m. or as soon thereafter as counsel may be heard, and will be held at Chief Judge St. John's Courtroom, U.S. Bankruptcy Court, 600 Granby Street, 4th Floor, Courtroom 1, Norfolk, VA, to consider and act upon the Trustee's Objection to the Debtor's Exemptions.

That any response to the Trustee's Objection to Exemptions must be filed on or before 7 days prior to the date of the Hearing scheduled to consider the Objection to Exemptions.

Date AUGUST 20, 2018 By: Tom C. Smith
Tom C. Smith, Trustee

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that a copy of the foregoing Notice of Hearing for the Objection to Exemptions was mailed to the debtor's attorney Genene E. Gardner, The Merna Law Group, 3419 Virginia Beach Blvd., #236, Virginia Beach, VA 23452, debtor, Lakisha Terise Barnes, 2828 Old Galberry Road, Chesapeake, VA 23323, and the Office of the U.S. Trustee, Federal Building, Room 625, 200 Granby Street, Norfolk, VA 23510. this 20 day of AUGUST 2018.

Tom C. Smith, Trustee

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

In Re:
LAKISHA TERISE BARNES
Debtor.

Case No.: 17-74089-SCS
Chapter 7

NOTICE OF OBJECTION TO EXEMPTIONS

The Chapter 7 Trustee, Tom C. Smith has filed an Objection to Exemptions in this bankruptcy case.

Your exemptions may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney.

If you do not want the Court to reduce, modify or eliminate your claim, then on or before 30 days from the date of this Notice, you or your attorney must:

____ File with the Court a written response to the Objection explaining your position at:

United States Bankruptcy Court
600 Granby Street, 4th Floor
Norfolk, VA 23510

____ If you mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the date stated herein.

You must also mail a copy to:

Chapter 7 Trustee
Tom C. Smith
Post Office Box 1506
Virginia Beach, VA 23451

____ Attend a hearing to be scheduled at a later date. You will receive a separate notice of hearing. If no timely response has been filed opposing the Trustee's Objection, the Court may enter an Order awarding the Trustee the relief sought.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the Objection.

Tom C. Smith, Trustee
1600 Virginia Beach Boulevard
P.O. Box 1506
Virginia Beach, VA 23451
SBA#: 14203

August 20,
Date 2018


Tom C. Smith, Trustee

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1600 Virginia Beach Boulevard
P.O. Box 1506
Virginia Beach, VA 23451
SBA#: 14203

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
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In Re:
LAKISHA TERISE BARNES
Debtor.

Case No: 17-74089-SCS
Chapter 7

OBJECTION TO EXEMPTIONS

NOW COMES the Chapter 7 Trustee, Tom C. Smith and states the following as his
Objection to the Exemptions claimed by the debtor to-wit:

1. That the debtor Lakisha Terise Barnes filed a Chapter 7 Bankruptcy Petition with this Court on November 15, 2017 and Tom C. Smith was appointed as Trustee of the bankruptcy estate. The debtor's First Meeting of Creditors Hearing was concluded on December 19, 2017. The Trustee filed a no asset report on December 20, 2017. The debtor's case was closed on March 5, 2018.
2. That the Court entered an Order on July 13, 2018 reopening the debtor's Chapter 7 case for the purpose of determining if a personal injury claim of the debtor was a non-exempt asset of the debtor's case with value for the estate.
3. That on July 16, 2018 the Court appointed Tom C. Smith as Trustee of the re-opened bankruptcy estate.
4. That on July 31, 2018 the debtor amended her schedules and listed a personal injury claim against Nicole A. Goldensoph arising from a vehicular accident on or about April 20, 2017. The debtor listed the value of the claim

Tom C. Smith, Trustee
1600 Virginia Beach Boulevard
P.O. Box 1506
Virginia Beach, VA 23451
(757) 428-3481
VSB#: 14203

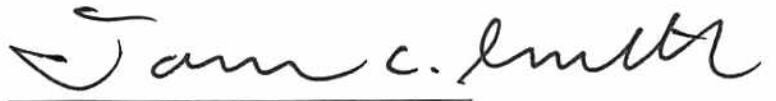
in the amount of \$5,000.00. The debtor claimed the personal injury claim as exempt pursuant to Virginia Code Section 34-28.1.

5. That once a case is reopened the debtor must seek leave of Court to amend her schedules and exempt a personal injury claim. The debtor has not obtained leave of Court to amend her schedules and her exemption in the said personal injury claim should be disallowed, 1009 and 9006 of the Federal Rules of Bankruptcy Procedure. In addition any allegation by the debtor of inadvertence or carelessness to list the personal injury claim in the original schedules filed with the Court as an asset and to claim it as exempt is not excusable and the said exemption should be disallowed. In RE.

Wilmoth, 412 B.R. 791 (BankR.E.D, VA 2009)

WHEREFORE, the Trustee prays that his Objection to the debtor's Exemption in the said personal injury claim be sustained.

By:



Tom C. Smith, Trustee

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that a copy of the foregoing Notice of Objection to Exemptions and the Objection to Exemptions was mailed to the debtor's attorney Genene E. Gardner, The Merna Law Group, 3419 Virginia Beach Blvd., #236, Virginia Beach, VA 23452, debtor, Lakisha Terise Barnes, 2828 Old Galberry Road, Chesapeake, VA 23323, and the Office of the U.S. Trustee, Federal Building, Room 625, 200 Granby Street, Norfolk, VA 23510. this 20 day of August 2018.



Tom C. Smith, Trustee

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Virginia Beach, VA 23451
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